1   A bill to be entitled
2   An act relating to growth management; amending s.
3   163.3167, F.S.; providing requirements for a
4   comprehensive plan initially effective after a certain
5   date and related land development regulations;
6   amending s. 163.3177, F.S.; requiring the
7   comprehensive plan to include a property rights
8   element; providing a statement of rights that a local
9   government may use; requiring local government to
10   adopt a property rights element by a specified date;
11   providing that a local government's property rights
12   element may not conflict with the statutorily provided
13   statement of rights; amending s. 163.3237, F.S.;
14   providing that certain property owners are not
15   required to consent to development agreement changes
16   under certain circumstances; amending s. 171.042,
17   F.S.; prohibiting a municipality from annexing
18   specified areas under certain circumstances; amending
19   s. 380.06, F.S.; allowing certain developments of
20   regional impact agreements to be amended under certain
21   circumstances; providing an effective date.
22
23   Be It Enacted by the Legislature of the State of Florida:
24
25   Section 1.   Subsection (3) of section 163.3167, Florida

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26 Statutes, is amended to read:
27   163.3167 Scope of act.—
28   (3) A municipality established after the effective date of
29 this act shall, within 1 year after incorporation, establish a
30 local planning agency, pursuant to s. 163.3174, and prepare and
31 adopt a comprehensive plan of the type and in the manner set out
32 in this act within 3 years after the date of such incorporation.
33 A county comprehensive plan is controlling until the
34 municipality adopts a comprehensive plan in accordance with this
35 act. A comprehensive plan effective ~~adopted~~ after January 1,
36 2019, and all land development regulations adopted to implement
37 the comprehensive plan must incorporate each development order
38 existing before the comprehensive plan's effective date, may not
39 impair the completion of a development in accordance with such
40 existing development order, and must vest the density and
41 intensity approved by such development order existing on the
42 effective date of the comprehensive plan without limitation or
43 modification.
44   Section 2. Paragraph (i) is added to subsection (6) of
45 section 163.3177, Florida Statutes, to read:
46   163.3177 Required and optional elements of comprehensive
47 plan; studies and surveys.—
48   (6) In addition to the requirements of subsections (1)-
49 (5), the comprehensive plan shall include the following
50 elements:

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51   (i) 1.   In accordance with the legislative intent expressed
52 in ss. 163.3161(10) and 187.101(3) that governmental entities
53 respect judicially acknowledged and constitutionally protected
54 private property rights, each local government shall include in
55 its comprehensive plan a property rights element to ensure that
56 private property rights are considered in local decisionmaking.
57 A local government may adopt its own property rights element or
58 use the following statement of rights:
59
60   The following rights shall be considered in local
61   decisionmaking:
62
63   1. The right of a property owner to physically possess
64   and control his or her interests in the property,
65   including easements, leases, or mineral rights.
66
67   2. The right of a property owner to use, maintain,
68   develop, and improve his or her property for personal
69   use or the use of any other person, subject to state
70   law and local ordinances.
71
72   3. The right of the property owner to privacy and to
73   exclude others from the property to protect the
74   owner's possessions and property.
75

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76   4. The right of a property owner to dispose of his or her

77   property through sale or gift.

78

79   2. Each local government must adopt a property rights

80 element in its comprehensive plan by the earlier of its next

81 proposed plan amendment or July 1, 2023. If a local government

82 adopts its own property rights element, the element may not

83 conflict with the statement of rights provided in subparagraph

84 1.

85   Section 3. Section 163.3237, Florida Statutes, is amended

86 to read:

87   163.3237 Amendment or cancellation of a development

88 agreement.—A development agreement may be amended or canceled by

89 mutual consent of the parties to the agreement or by their

90 successors in interest. A party or its designated successor in

91 interest to a development agreement and a local government are

92 authorized to amend or cancel a development agreement without

93 securing the consent of other parcel owners whose property was

94 originally subject to the development agreement, unless the

95 amendment or cancellation directly modifies the allowable uses

96 or entitlements of such owner's property.

97   Section 4. Subsection (4) is added to section 171.042,

98 Florida Statutes, to read:

99   171.042 Prerequisites to annexation.—

100   (4) Except as otherwise provided in s. 171.205, a

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101 municipality may not annex an area within another municipal
102 jurisdiction without the other municipality's consent.
103   Section 5. Paragraph (d) of subsection (4) of section
104 380.06, Florida Statutes, is amended to read:
105   380.06 Developments of regional impact.—
106   (4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—
107   (d) Any agreement entered into by the state land planning
108 agency, the developer, and the local government with respect to
109 an approved development of regional impact previously classified
110 as essentially built out, or any other official determination
111 that an approved development of regional impact is essentially
112 built out, remains valid unless it expired on or before April 6,
113 2018 and may be amended pursuant to the processes adopted by the
114 local government for amending development orders. These
115 agreements may authorize the developer to exchange approved land
116 uses subject to demonstrating that the exchange will not
117 increase impacts to public facilities. This paragraph applies to
118 all such adopted agreements and amendments thereto effective on
119 or after April 6, 2018.
120   Section 6. This act shall take effect July 1, 2020.

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